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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference CL1446PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/16234	International filing date (day/month/year) 13/06/2000	Priority date (day/month/year) 17/06/1999
International Patent Classification (IPC) or national classification and IPC D21H25/18		
Applicant E.I.DU PONT DE NEMOURS AND COMPANY		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 6 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 08/01/2001	Date of completion of this report 25.09.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Naeslund, P Telephone No. +49 89 2399 8614 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/16234

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

3,4 as originally filed

1,2,2A,5,6 as received on 15/06/2001 with letter of 14/06/2001

Claims, No.:

1-10 as received on 15/06/2001 with letter of 14/06/2001

Drawings, sheets:

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

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International application No. PCT/US00/16234

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2-4,6-8
	No:	Claims	1,5,9,10
Inventive step (IS)	Yes:	Claims	NONE
	No:	Claims	1-10
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	NONE

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item I

Basis of the opinion

- (i) Claims 1-8 (claims 2-4 by means of being dependent on claim 1) have been amended by means of a specification of the paper to be a "cellulosic" paper. Nowhere however in the original application documents is the term "cellulosic" used. While it can be agreed that papers are often to a great extent composed of cellulosic fibers there are however papers which also comprise to a main part, or as a whole, other fibers than cellulosic fibers (Art. 34(2)(b) PCT/Rule 70.2(c) PCT).
- (ii) In claims 9 and 10 no basis for "pattern or printing" or "patterned or printed" article of paper or textile respectively can be seen. In relation to claim 9 it is further not seen where in the application as filed it was set out as optional that the textile substrate should be "fibrous", or that the amorphous fluoropolymer fibers should be interconnected (omission of essential features). Therefore these claims also comprise added subject-matter (Art. 34(2)(b) PCT/Rule 70.2(c) PCT).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: WO-A-92 10532
D2: GB-A-1 007 981
D3: US-A-5 409 736
D4: WO-A-97 19224

- 1. From D1 (see page 4, line 30-line 33; page 5, 2nd paragraph; claims 1,7-13, 21; examples 1,2) there is known a strengthened textile article comprising a fibrous textile substrate and amorphous fluoro polymer on the surface applied as a solution. Claim 9 therefore would not appear novel; Art. 33(2) PCT.
- 2. As to the process of claim 1, to the extent that it concerns a treatment of a textile

article it is not novel either in view of D1 (see example 1). The same is valid to claim 10 and claim 5.

3. In one embodiment claim 5 is related to a strengthened paper article. Starting from D1 however, it is generally known to the person skilled in the art that the feature "textile" is more or less an equivalent to the feature "paper" and that the border between these product categories is floating. See also the present application on page 3, paragraph 3. The skilled person would thus substitute textile for paper where circumstances make it desirable. This embodiment of claim 5 is therefore not inventive; Art. 33(3) PCT. Similar considerations apply to claims 1,9 and 10. Such a view is also supported by the teaching in D2 (see claims) as this document discloses the treatment of both paper and textile structures with compounds similar to those of D1, for strength. Therefore, also a combined reading of D1 and D2 by the skilled person deprives this embodiment of claim 5,1,9 and 10 of an inventive step; Art. 33(3) PCT.
 4. Concerning the dependent claims they would at least not appear inventive in the light of the cited prior art, documents D3 (see claims) and D4 (see claims) inclusively. It is emphasized that even though these latter documents would address a different problem, to the extent that they teach the same process steps they are at least citable under novelty.
 5. For the assessment of the present claims on the question whether they are industrially applicable, no particular reasoning would appear necessary to give. The industrial applicability would appear self evident (Art. 33(4) PCT).
- NB. Also if one would consider that there is no added matter (cf. Item I-(i) and (ii) supra) in the present application (implicit disclosure of similar), an inventive step can in any case not be seen. Cellulosic papers and textile fabrics are similar in properties and behaviour. Both these types of material use to be patterned or printed.

Re Item VII

Certain defects in the international application

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

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1. US-A-5 509 736 cited in the description should read US-A-5 409 736.
2. The two-part form ("characterized by"-form) should be applied to the independent claims over closest prior art.
3. The description should as far as national/regional legislation it so requires be adapted to any amended claims upon entry into the national/regional phase.

Re Item VIII

Certain observations on the international application

1. It is not clear from claim 1 (and also not from other independent claims) whether "cellulosic" also refer to the textile article (Art. 6 PCT).